

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Todd A. Duckson,

Civil No. 14-1465 MJD/JJK

Plaintiff,

v.

Continental Casualty Company,  
Chicago Insurance Company,  
Nautilus Insurance Company, and  
Hinshaw & Culbertson, LLP,

Defendants.

**ORDER ON DEFENDANTS'  
MOTIONS TO DISMISS  
AND FOR SANCTIONS**

---

Scott R. Carlson, Esq., DC Law Chartered, for Plaintiff;

Joseph R. Menning, Esq., McCullough Campbell & Lane LLP, Chicago, Illinois, for Defendants Continental Casualty Company, Chicago Insurance Company, and Nautilus Insurance Company; and

Russell S. Ponessa, Esq., Hinshaw & Culbertson LLP, for Defendant Hinshaw & Culbertson LLP.

---

Based upon the Report and Recommendation by United States Magistrate Judge Jeffrey J. Keyes dated December 8, 2014, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. Defendants' Joint Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** as specifically stated below (Doc. No. 7);

2. Defendants' motion to dismiss the Count I claim for declaratory judgment, holding that an attorney malpractice insurance policy provides Plaintiff defense and indemnification coverage, is **GRANTED**;

3. Defendants' motion to dismiss Plaintiff's Count II claim for breach of contract is **GRANTED**;

4. Defendants' motion to dismiss Plaintiff's Count III claim for breach of duties including fiduciary duty by the Insurer Defendants is **GRANTED**.

5. Defendants' Joint Motion for Sanctions pursuant to Federal Rule of Civil Procedure 11 is **DENIED** (Doc. No. 14); and

6. This matter is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY**

Dated: January 6, 2015

s/Michael J. Davis  
Michael J. Davis  
United States District Court Chief Judge